

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 11, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Atkins at 10:00 a.m. The meeting was recessed by Deputy Mayor Atkins at 10:01 a.m. to convene the joint Council meeting with the Redevelopment Agency. Deputy Mayor Atkins reconvened the meeting at 10:03 a.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 10:53 a.m. to convene the Redevelopment Agency, and thereafter reconvene the joint Council and Redevelopment Agency. Deputy Mayor Atkins reconvened the meeting at 11:31 a.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 11:52 a.m. for the noon break to be reconvened at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Atkins at 2:00 p.m. with all Council Members present and District 2, District 4, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 2:40 p.m. for the purpose of a break. The meeting was reconvened by Deputy Mayor Atkins at 2:47 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 4:05 p.m. for the purpose of a break. The meeting was reconvened by Deputy Mayor Atkins at 4:15 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 5:38 p.m. for the purpose of a break. The meeting was reconvened by Deputy Mayor Atkins at 5:43 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 6:16 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council District 8-vacant

Clerk-Maland (er/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the prayer and Pledge of Allegiance at the beginning of the Council meetings. Mr. Collins called for a federal takeover of the City due to the under funding of the pension.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:07 a.m.)

PUBLIC COMMENT-2:

Linda Smith commented on cooperation, sensitivity and low-cost housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:10 a.m.)

PUBLIC COMMENT-3:

Sandy Summers commented on political persecution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:13 a.m.)

PUBLIC COMMENT-4:

Gary Hill commented on the Police Department's refusal to enforce valid court orders.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:15 a.m.)

PUBLIC COMMENT-5:

Milly Shodtman commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:18 a.m.)

PUBLIC COMMENT-6:

Don Stillwell recited the Lord's Prayer and the Pledge of Allegiance. Mr. Stillwell commented on legislative responsibility and the transfer of the Mt. Soledad cross and land to the federal government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:21 a.m.)

PUBLIC COMMENT-7:

Sheri Lightner requested a date that the Hillel item, which was continued from the September 27, 2005 Council Meeting, will be heard before Council in the La Jolla Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:25 a.m.)

PUBLIC COMMENT-8:

Phil Hart expressed his concerns regarding the audit committee's review of the e-mail tapes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:27 a.m.)

PUBLIC COMMENT-9:

Ron Boshun commented on Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:30 a.m.)

PUBLIC COMMENT-10:

Daniel Beeman commented on the changing times and Council's responsibilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

PUBLIC COMMENT-11:

Bonnie Russell commented on an item she wishes to get docketed on the Council's agenda.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:37 a.m.)

PUBLIC COMMENT-12:

Judy White commented on a poorly designed project in her community of La Playa.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:42 a.m.)

PUBLIC COMMENT-13:

Catherine Rhodes commented on noticing procedures for construction projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:44 a.m.)

PUBLIC COMMENT-14:

Jarvis Ross commented on the pension problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

PUBLIC COMMENT-15:

Bert Decker commented on articles written in the Wall Street Journal addressing San Diego's pension problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

PUBLIC COMMENT-16:

Pastor Wayne Riggs commented on housing for the working poor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:53 a.m.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-200: Attorney's Fees for City of San Diego Current and Former Employees Relating to the Financial Disclosures and Pension Investigation.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-205) ADOPTED AS AMENDED AS RESOLUTION R-300933

Authorizing the City Attorney to continue executing agreements with one or more lawyers or law firms to provide representation to the past or present individual City employees related to their participation in interviews or proceedings, including compliance with subpoenas served on them, related to the investigation by the Securities and Exchange Commission, the United States Attorney's Office, the Federal Bureau of Investigation, the District Attorney and the City, provided that no one person retains more than one law firm to represent them at a given time;

Authorizing the expenditure of an initial amount not to exceed \$500,000, for the above-described purpose, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Suspending the authorization for the above attorney's fees if criminal charges are brought against any past or present City employee, and that the City shall reserve its right to terminate the payment of fees and seek reimbursement of fees paid in the event that criminal charges are brought against any past or present employee, or if a conviction is obtained.

SUPPORTING INFORMATION:

In February of 2004, the SEC and USAO informed the City that they were undertaking investigations into certain financial disclosure practices by the City. Additionally, the District Attorney's Office has initiated its own investigation into the propriety of acts relating to the

granting of pension benefits. The City is also conducting its own internal investigations, and through retained counsel, has interviewed current and former City employees as part of its internal investigations. Those interviews were then made available to the Federal and State investigating agencies.

These investigations are ongoing, with each agency, requesting and/or issuing subpoenas requiring City employees appear for interview and/or testimony. In order to facilitate the conduct of necessary interviews and testimony, and yet provide necessary advice to affected City employees, the City Council, acting pursuant to the discretion provided by Government Code Section 995.8, has determined that it is in the best interests of the City to provide independent representation to employees. The cost allotted for the representation thus far was apportioned among a number of represented individuals, and appropriated as a result of four requests: \$250,000 (AC 2401177) on June 17, 2004; \$150,000 (AC 2500688) on January 25, 2005; \$75,000 (AC 2500664) on November 14, 2005; \$200,000 (AC 2500802) on March 7, 2005, and \$350,000 (AC 2501122) on June 28, 2005. Over 40 current and former City employees have requested and/or retained outside legal counsel and will submit or have submitted bills to be reviewed and processed by the City Attorney's Office. These totals do not include elected officials, the Mayor, Council, and their staff.

It is recommended that the City Attorney continue to execute and monitor the contracts on behalf of the City for the representation of individual current and former City employees. It is also recommended that each employee be permitted to retain only one law firm to represent them. To pay present invoices, and to obtain funds to continue to pay invoices for those represented, it is requested that an additional \$500,000 be appropriated.

Ewell/Katz/MS

Aud. Cert. 2600236.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:31 a.m. – 11:52 a.m.; 2:00 p.m. – 2:29 p.m.)

Motion by Peters to adopt with the following amendment: Approve authorization according to terms identical to the Resolution R-300649 dated June 28, 2005, drafted by Maria Severson and signed by City Attorney Michael Aguirre. Second by Madaffer. No vote taken.

MOTION BY PETERS TO ADOPT THE RESOLUTION AS AMENDED TO REFLECT THE DELETION OF TWO PARAGRAPHS ON PAGE 2 OF 3 OF THE RESOLUTION (R-2006-205), AND AS FOLLOWS:

DELETE:

1. "WHEREAS, IT IS RECOMMENDED THAT THE CITY ATTORNEY CONTINUE TO EXECUTE AND MONITOR THE CONTRACTS ON BEHALF OF THE CITY FOR THE REPRESENTATION OF INDIVIDUAL CURRENT AND FORMER CITY EMPLOYEES. IT IS ALSO RECOMMENDED THAT EACH EMPLOYEE BE PERMITTED TO RETAIN ONLY ONE LAW FIRM TO REPRESENT THEM. TO PAY PRESENT INVOICES, AND TO OBTAIN FUNDS TO CONTINUE TO PAY INVOICES FOR THOSE REPRESENTED, IT IS REQUESTED THAT AN ADDITIONAL \$500,000 BE APPROPRIATED; NOW THEREFORE."

AND DELETE:

2. "BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF SAN DIEGO THAT THIS CITY COUNCIL AUTHORIZED THE CITY ATTORNEY TO CONTINUE EXECUTING AGREEMENTS WITH ONE OR MORE LAWYERS OR LAW FIRMS TO PROVIDE REPRESENTATION TO THE PAST OR PRESENT INDIVIDUAL CITY EMPLOYEES RELATED TO THEIR PARTICIPATION IN THE INTERVIEWS OR PROCEEDINGS, INCLUDING COMPLIANCE WITH SUBPOENAS SERVED ON THEM, RELATED TO THE INVESTIGATION BY THE SECURITIES AND EXCHANGE COMMISSION, THE UNITED STATES ATTORNEY'S OFFICE, THE FEDERAL BUREAU OF INVESTIGATION, THE DISTRICT ATTORNEY AND THE CITY, PROVIDED THAT NO ONE PERSON RETAINS MORE THAN ONE LAW FIRM TO REPRESENT THEM AT A GIVEN TIME."

Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-330: Reconsideration of Crescent Heights.

Matter of approving, conditionally approving, modifying or denying changes by the California Coastal Commission to an approved Community Plan Amendment and Rezone which if approved by the City Council and then certified by the California Coastal Commission would allow a Vesting Tentative Map, Planned Residential Development Permit and Coastal Development Permit to subdivide 185.27 acres and develop 113 single-family dwellings and 129 multi-family dwellings, public improvements, landscaping, slopes and brush management areas on approximately 35.38 acres of the site, dedication of 149.89 acres of open space to the City for conservation and rezoning the property from the AR-1-1 (previously A-1-10) to the RX-1-2 (previously R1-5000/SLO), RM-2-5 (previously R-1500) and the OC-1-1 (Open Space-Conservation) located north and south of Calle Cristobal, east and west of Camino Santa Fe in the Mira Mesa Community Plan area.

The Crescent Heights project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the Crescent Heights project will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, 1222 First Avenue, MS 302 San Diego, CA 92101, John S. Fisher before the close of the City Council Public Hearing.

(Project No. 1657. EIR LDR No. 99-0639. CPA-LCP Amendment No. 10747/RZ No. 10712. Mira Mesa Community Plan Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; and adopt the resolutions in subitems B and C:

Subitem-A: (O-2006-35) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 24, 2004

Introduction of an Ordinance of the Council of the City of San Diego changing 188.63 acres, north and south of Calle Cristobal, east and west of Camino Santa Fe in the Mira Mesa Community Plan Area, in the City of San Diego, California,

from the AR-1-1 Zone (previously referred to as A-1-10 Zone) to the RX-1-2, RM-2-5 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0404, 131.0406 and 131.0203; And repealing Ordinance No. 18451 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2006-236) ADOPTED AS RESOLUTION R-300929

Adoption of a Resolution certifying that the information contained in the final Environmental Impact Report, LDR No. 99-0639, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Crescent Heights;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2006-237) ADOPTED AS RESOLUTION R-300930

Adoption of a Resolution amending the Mira Mesa Community Plan, the Local Coastal Program Land Use Plan and the Progress Guide and General Plan;

That this amendment is not effective until unconditionally certified by the California Coastal Commission.

OTHER RECOMMENDATIONS:

Planning Commission on May 29, 2003, when considering the previous amendments and rezone, voted unanimously 5-0 to recommend approval of the staff recommendation; was opposition.

Ayes: Lettieri, Ontai, Chase, Steele, Garcia

Recusing: Brown

Not present: Schultz

The Mira Mesa Community Planning Group on March 17, 2003, when considering the previous amendments and rezone, voted 14-0-1 to approve the earlier design of the project.

CITY MANAGER SUPPORTING INFORMATION:

On July 1, 2003, the City Council by a unanimous vote of 9:0:0 approved Item 332, the Crescent Heights project, which included certifying the Environmental Impact Report LDR No. 99-0639 and all other related subitems.

The project included a rezone from AR-1-1 to the proposed RX-1-2, RM-2-5 and OC-1-1 zones, a community plan and local coastal plan amendment, a vesting tentative map, a planned residential development and coastal development permit and MHPA boundary line adjustment to allow a multi- and single family development on 35.2 acres of a 185.2 acre site at Calle Cristobal and Camino Santa Fe in the Mira Mesa Community. The Local Coastal Plan Amendment included the community plan amendment and rezone.

On March 17, 2005, the California Coastal Commission acted on the Local Coastal Plan Amendment for the Crescent Heights project. The Commission significantly modified the Local Coastal Plan Amendment thus requiring the City Council to reconsider the modified Rezone and Mira Mesa Community Plan Amendment/Local Coastal Program Amendment. The Coastal Commission reduced the area to be zoned for development and increased the area to be open space. The Commission also modified the community plan amendment consistent with the new zoning boundaries. It is requested the City Council consider the revised zoning and community plan amendment.

When considering the previous amendments and rezone, the Mira Mesa Group voted 14-0-1 to approve the earlier design of the project on March 17, 2003.

When considering the previous amendments and rezone, the Planning Commission, on May 29, 2003, voted unanimously 5:0:0 to recommend approval of the staff recommendation.

City staff recommends adoption of rezone No. 10712 and approval of the community plan and local coastal program amendment No. 10747.

FISCAL IMPACT:

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Oppenheim/Halbert/JSF

LEGAL DESCRIPTION:

The project site is located approximately 16 miles north of downtown San Diego and approximately 3 miles east of Interstate 5, in the Mira Mesa Community Plan area in the City of San Diego.

Staff: John S. Fisher – (619) 446-5231.

FILE LOCATION: LUP-Crescent Heights, Reconsideration 10/11/05 (65)

COUNCIL ACTION: (Time duration: 10:00 a.m. – 10:00 a.m.)

MOTION BY MAIENSCHIN TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTIONS IN SUBITEMS B AND C. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-331: Esperanza Townhomes.

Matter of approving, conditionally approving, modifying or denying Progress Guide and General Plan Amendment/Community Plan Amendment No. 181902; Rezone No. 181901; Vesting Tentative Map No. 249328 and waiver to the requirement for the undergrounding of the existing overhead utilities, and Site Development Permit No. 181907 to allow for the demolish of an existing single-family residence and associated structures, and consolidate three parcels into one lot, to construct a 29 unit multi-family condominium project (includes 3 affordable housing units) known as the Esperanza Townhomes, located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street within the Southeastern San Diego Planned District, and the Encanto neighborhoods of the Southeastern San Diego Community Planning Area.

(Project No. 60959. PG&GPA/CPA/RZ/VTM/SDP. Encanto Neighborhoods of the Southeastern San Diego Community Plan Area. District 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; introduce the ordinance in subitem C; adopt the resolution in subitem D to grant the permit; and adopt the resolution in subitem E to grant the map:

Subitem-A: (R-2006-243) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 60959, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Esperanza Townhomes-Project No. 60959;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-244) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Adoption of a Resolution amending the Southeastern San Diego Community Plan, attached hereto, a copy of which is on file in the Office of the City Clerk;

That the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-36) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Introduction of an Ordinance changing 1.35 Acres located on the northwest corner of Akins Avenue and 62nd Street, within the Southeastern San Diego Planned District and the Encanto Neighborhoods of the Southeastern San Diego Community Plan Area, in the City of San Diego, California, from the SF-6000 and the MF-3000 Zones into the MF-1500 Zone, as defined by San Diego Municipal Code Sections 103.1706; and repealing Ordinance No. 16921 (New Series), Adopted August 3, 1987, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Adoption of a Resolution granting or denying Site Development Permit No. 181907, with appropriate findings to support Council action.

Subitem-E: (R-2006-) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Adoption of a Resolution granting or denying Vesting Tentative Map No. 249328, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 25, 2005, voted 5-0 to approve; no opposition.

Ayes: Garcia, Otsuji, Steele, Ontai, Schultz
Not present: Chase, Griswold

On February 22, 2005, the Encanto Neighborhoods Community Planning Group voted 7-3-0 to recommend approval of with four conditions. All four conditions have been incorporated within the proposed project as recommended by the community group.

CITY MANAGER SUPPORTING INFORMATION:

This is an Affordable/In-Fill Housing Expedite Project. The project proposes to demolish an existing single-family residence and associated structures, and consolidate three parcels into one lot to construct a 29 unit multi-family condominium development consisting of 6 detached,

three-story, residential structures on a 1.02 acre site. Each of the proposed condominium units would contain three-bedrooms and approximately 1,105 square-feet of living area with an attached 456 square-foot, two car garage. The project site is located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street. The project site is also located within the Central Imperial Redevelopment Project Area; however, the proposed project is not a City of San Diego Redevelopment Agency (Southeastern Economic Development Corporation) project.

This project requires amendments to the Progress Guide and General Plan and the Southeastern San Diego Community Plan; Rezone; Vesting Tentative Map and waiver to the requirement for the undergrounding of the existing overhead utilities; and a Site Development Permit. The project site consists of two different community plan designations and two different zoning designations. An amendment to the Progress Guide and General Plan, and the Southeastern San Diego Community Plan will redesignate the project site from Residential- Low Density (5-10 du/ac) and Residential-Low Medium Density (10-15 du/ac) to Residential-Medium-High Density (15-30 du/ac). The proposed amendment will allow a range of 15 to 30 units on the subject site where a range of 8 to 13 units is currently allowed.

The Rezone action will rezone the project site from SF-6000 and MF-3000 to MF-1500, a multi-family residential zone which allows a maximum 29 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The Site Development Permit is required for multi-family residential developments of four or more units within the Southeastern San Diego Planned Districts, to deviate from development regulations, and for encroachment within Environmentally Sensitive Lands (floodplain).

The proposed project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria by setting aside at least 10 percent (3 units) of the total for sale-dwelling units on-site for households with an income at or below 100 percent Area Median Income (AMI).

FISCAL IMPACT:

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

Oppenheim/Halbert/JAP

LEGAL DESCRIPTION:

The proposed project is located on the northwest corner of Akins Avenue and 62nd Street, within the Southeastern San Diego Planned District and the Encanto Neighborhood of the Southeastern

San Diego Community Planning Area and is more particularly described as Lots 35-37, Garden Acres, Map 1797.

Staff: Jeffrey A. Peterson (619) 446-5237.

FILE LOCATION: LUP-Esperanza Townhouse, 10/11/05 (65)

COUNCIL ACTION: (Time duration: 2:30 p.m. – 2:31 p.m.)

MOTION BY YOUNG TO CONTINUE THIS ITEM TO TUESDAY, OCTOBER 18, 2005, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-332: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City's Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels "C" and "D" East of Petco Park.

(See Centre City Development Corporation Report No. CCDC-05-25/ CCDC-05-11 and memorandum from Centre City Development Corporation dated 9/15/2005. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Community Area. Districts 2 and 8.)

(Continued from the meeting of September 20, 2005, Item S501, at the request of Councilmember Madaffer, for further review of legal issues surrounding this item.)

NOTE: Hearing Open. Testimony taken on September 20, 2005.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-219) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Approving the sale of certain property generally located to the immediate south of the intersection of Park Boulevard and the 12th Avenue trolley right-of-way (east of Petco Park) in the Centre City Redevelopment Project Area (Agency Sale Parcel) to Ballpark Village LLC, and approving the Owner Participation Agreement, The Master Plan and the Affordable Housing Agreement pertaining to parcels C and D (including the Agency Sales Parcel), and making certain findings with respect to such sale.

Subitem-B: (R-2006-218) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Approving a variance to the City's Inclusionary Housing Ordinance in the form of an Affordable Housing Agreement by and between the Redevelopment Agency of the City of San Diego, Ballpark Village LLC, and the San Diego Housing Commission.

Subitem-C: (R-2006-217) CONTINUED TO TUESDAY, OCTOBER 18, 2005

Certifying the final addendum to the final subsequent Environmental Impact Report to the final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed ballpark and ancillary development projects, and associated plan amendments, making certain findings of fact and adopting a statement of overriding considerations (Ballpark Village).

SUPPORTING INFORMATION:

ENVIRONMENT IMPACT: The City and Agency certified the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments on October 26, 1999 (The "SEIR"). On October 30, 2003, the City and Agency certified a Final Addendum to the SEIR for the East Village Square Development. In order to evaluate the Ballpark Village Phase II Ancillary Development Proposal, a Final Addendum has been prepared for the development proposed by the Master Plan and OPA.

The Draft Addendum was circulated for public review from April 21 to May 6, 2005.

Comments received on the draft addendum, and appropriate responses to those comments, have been incorporated into the final addendum to the SEIR dated August 8, 2005. The conclusion of the final addendum is that neither the Ballpark Village Development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the

SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or the feasibility of mitigation measures or alternatives.

Attachment A to the proposed Council and Agency resolutions certifying the final addendum includes specific findings of fact briefly summarizing the basis for the conclusions contained in the addendum regarding each environmental topic that was considered and explaining why preparation of a subsequent or supplemental EIR was not required. Attachment A also includes a statement of overriding considerations because there are certain impacts of the project, which, despite adoption of all feasible mitigation measures, cannot be fully mitigated to a level that is less than significant. These impacts -- Air Quality (long-term cumulative impacts of the Centre City Redevelopment Project); Land Use/Planning (displacement of homeless) populations in Ballpark and ancillary development projects area were previously analyzed in the SEIR and a statement of overriding considerations was adopted when the ballpark and ancillary development project was approved in 1999.

While these impacts are not more severe for the Ballpark Village Project (and, in fact, are in some cases actually lessened), because the impact conclusion remains significant, a new statement of overriding considerations for the Ballpark Village project is recommended.

Hall/Hamilton/LY

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:01 a.m. – 10:03 a.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, OCTOBER 18, 2005, AT HIS REQUEST FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-333: Two actions related to the Proposed Owner Participation Agreement (OPA) with Pinnacle International Development, Inc.

(See Centre City Development Corporation Report CCDC-05-24/CCDC-05-10. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-301) ADOPTED AS RESOLUTION R-300931

Approving the sale of certain property, located on a portion of the block bounded by Island Avenue and 14th, 15th, and J Streets, approximately 619 residential condominium units and approximately 22,000 square feet of retail space, and a public park, in the Centre City Redevelopment Project Area to Pinnacle International Development, Inc.; approving the Owner Participation Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2006-300) ADOPTED AS RESOLUTION R-300932

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (SEIR), and the Secondary Study with respect to the Owner Participation Agreement between the Redevelopment Agency of the City of San Diego and Pinnacle International Development, Inc. for the development of the block bounded by Island Avenue and 14th, 15th, and J Streets; and making certain findings and determinations regarding environmental impacts of the development.

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of October 11, 2005 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:31 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

None.

The meeting was adjourned by Deputy Mayor Atkins at 6:16 p.m. in honor of the memory of:

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 6:14 p.m. – 6:16 p.m.)